

# EXHIBIT C

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION  
4  
5 ROBERT G. WINGO, )  
6 Plaintiff, )  
7 vs. ) 1:08:CV-00368  
8 THYSSENKRUPP MATERIALS NA, INC., )

9 d/b/a COPPER and BRASS SALES, )  
10 INC., )  
11 Defendant. )

12  
13 The deposition of ROBERT G. WINGO, called  
14 for examination, taken pursuant to the Federal Rules  
15 of Civil Procedure of the United States District  
16 Courts pertaining to the taking of depositions,  
17 taken before ELIA E. CARRIÓN, CSR No. 084.004641, a  
18 Notary Public within and for the County of Cook,  
19 State of Illinois, and a Certified Shorthand  
20 Reporter of said state, taken at Suite 3700,  
21 500 West Madison Street, Chicago, Illinois, on the  
22 19th day of May, A.D. 2008, at 9:53 a.m.

23

24

1 where it says, "Signature of employee"?

2 A. Yes.

3 Q. And this is the grievance you indicated

4 that the, apparently the Teamsters, as far as you

5 know, have not pursued any further?

6 A. Correct.

7 Q. And the writing on this, from your

8 signature above, is that all your writing?

9 A. Yes.

10 Q. Do you consider Gino Rodriguez to be a

11 trustworthy individual?

12 A. Yes.

13 Q. Do you consider Pete LaRocco to be a

14 trustworthy individual?

15 A. Yes.

16 Q. Now, you started working for Copper and

17 Brass in 1984, correct?

18 A. Yes.

19 Q. And I believe you indicated you graduated

20 from Southern Illinois in 1977, correct?

21 A. Yes, sir.

22 Q. All right. So what was your first job

23 after graduating from college, your first full-time

24 job?

1 A. Basically, it was Copper and Brass.

2 Q. So between 1977 and 1984 you had no  
3 full-time employment?

4 A. Correct.

5 Q. Do you recall filling out an employment  
6 application, when you applied for work at Copper and  
7 Brass?

8 A. Yes, sir.

9 Q. Okay. How did you find out about  
10 employment at Copper and Brass?

11 A. It was a door-to-door.

12 Q. And where was Copper and Brass located at  
13 that time?

14 A. 415 State Parkway, in Schaumburg.

15 Q. Same address they're currently at?

16 A. Yes, sir.

17 Q. And did you have an interview?

18 A. Yes.

19 Q. And who did you interview with?

20 A. Jim Baber.

21 Q. He was the plant manager at the time?

22 A. Yes.

23 Q. And what position did you interview for?

24 A. General warehouse.

1 Q. And what were the duties of an order

2 clerk?

3 A. Pack orders.

4 Q. What was the nature of Copper and Brass'

5 business?

6 A. It was a metal company.

7 Q. When you say "a metal company," they're

8 actually a distributor of metal products?

9 A. Correct.

10 Q. So what position did you hold after being

11 order clerk?

12 A. From order clerk, I was a side loader

13 operator.

14 Q. How long were you an order clerk for?

15 A. Was it maybe a year? Six months or a

16 year? I can't recall exactly.

17 Q. And how long were you a side load

18 operator for?

19 A. For over 10 years.

20 Q. What were the duties of the side load

21 operator?

22 A. Those were -- the duties were to fill the

23 orders, to go and get the orders and bring them to a

24 conveyor belt for the packers and the saw operators

1 to cut or to process.

2 Q. And you said you were a side load

3 operator for approximately 10 years?

4 A. Yes.

5 Q. So you were a side load operator, if my

6 math is correct, until sometime in the 1994, 1995 --

7 A. You know what, I was one 'til the very

8 end. I mean I was still one when -- I could still

9 operate one, but I just didn't do it full time.

10 I had held different positions.

11 Q. When you say you "had held different

12 positions," there are different job titles under the

13 labor contract with the union, correct?

14 A. Yes.

15 Q. One position would be warehouse clerk?

16 A. Yes.

17 Q. Did you ever hold the position of

18 warehouse clerk?

19 A. Yes.

20 Q. When did you hold that position, sir?

21 A. That was what I started at. That's what

22 basically everybody is, an order clerk.

23 Q. What position did you hold at the time of

24 your termination in December of last year?

1 and --

2 Q. And so that's information you would input  
3 into the company's computer?

4 A. Correct, so they -- for the billing  
5 process.

6 Q. Okay.

7 MR. LINDEN: Excuse me, let's go off the record  
8 for a moment.

9 (WHEREUPON, discussion was had  
10 off the record.)

11 BY MR. LINDEN:

12 Q. Now, Mr. Wingo, before we took a break,  
13 we were talking about the various positions you've  
14 held at the time you were employed at Copper and  
15 Brass, and you indicated that there were several  
16 positions. You indicated among the positions  
17 included machine operator, correct?

18 A. Yes, sir.

19 Q. When did you hold the position of machine  
20 operator?

21 A. That would have been the late eighties, I  
22 believe.

23 Q. Do you recall approximately how long you  
24 held it for?

1 A. I'm thinking like a year or two. I was  
2 doing it while another guy was off on an injury.

3 Q. Do you remember who that was?

4 A. Ralph Coliano (phonetic).

5 Q. And so when he returned, he assumed the  
6 position, and you went back to your position?

7 A. Correct.

8 Q. What position did you go back to?

9 A. Side loader operator.

10 Q. You also said you held a shipping and  
11 receiving position as well.

12 A. Yes.

13 Q. When did you hold that position?

14 A. That would have been in the nineties.

15 Q. Do you recall, specifically, what years  
16 in the nineties that might have been?

17 A. I'm not real sure of the dates. It's  
18 been a while. I'm thinking '92 to '95, somewhere  
19 like that. I'm not totally sure, maybe '90 to '95.

20 I'm not sure.

21 Q. You indicated, I believe, that that  
22 position is considered to be higher up than the  
23 warehouse clerk position?

24 A. It's paid the same. It was basically a

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1 A. I'm pretty sure it was, yes.

2 Q. Well, you say you're "pretty sure."

3 Do you know that for a fact?

4 A. Yes.

5 Q. Okay.

6 MR. LINDEN: Let's take a break for a moment.

7 (WHEREUPON, a recess was had.)

8 BY MR. LINDEN:

9 Q. Let's mark this Exhibit 32, please.

10 (WHEREUPON, a certain document was

11 marked Wingo Deposition Exhibit No. 32,

12 for identification, as of this date.)

13 (WHEREUPON, the document was

14 tendered to the witness.)

15 BY MR. LINDEN:

16 Q. All right. Mr. Wingo, you've been handed

17 what has been marked as Exhibit 32, which, for

18 purposes of identification, is entitled at the top

19 "Daily Production Log."

20 Do you recognize this document?

21 A. Yes.

22 Q. And could you tell us what it is?

23 A. It looks like a production sheet.

24 Q. Okay, so we briefly talked about this

1 A. They were right next to mine.

2 Q. Did you ever take any notes about them?

3 A. No.

4 Q. Okay. Do you know if he ever indicated

5 on his daily production log reports that his work

6 was complete, when, in fact, it was incomplete?

7 A. Yes. A lot of times when Al would leave,

8 he would write down whatever orders I was working

9 on. So most of the time I completed those orders.

10 He would maybe help me start them, and then I would

11 complete them.

12 Q. And he would let you know they were

13 incomplete?

14 A. Yes. I don't know if he wrote it on his

15 worksheet or production sheet. Most of the time he

16 probably didn't, because that's just the way we did

17 it. We didn't always write it down. So Al probably

18 didn't write it most of the time.

19 But there was many, many times when I

20 would complete orders that Al took credit for and he

21 put on his sheet, but I would be the one who

22 completed them.

23 Q. Let's talk about Mario Alvarez.

24 He was a warehouse clerk on the second

1 **age?**

2 A. Well, mainly, mainly the issues of  
3 discipline and some of the stuff, like one time I  
4 went and opened the back door, who the younger  
5 employees used to leave open all the time. Ray  
6 Cather used to leave the door open all the time.

7 Well, one day I come back from break, after I had  
8 left it open halfway, and the boss told me, don't  
9 ever leave that door open again.

10 And I'm like, come on, Ray here left it  
11 open all the time around the clock, and you never  
12 cared. And he was a younger employee. And me, as  
13 an older employee, now for some reason he would not  
14 allow me to do it. He says, no, you can't ever do  
15 that again.

16 And that was near my termination time.

17 Q. **When was that?**

18 A. That was in November sometime.

19 Q. **Of what year?**

20 A. 2007.

21 Q. **And who told you that?**

22 A. Mark DeMien.

23 Q. **And how do you know that Mark DeMien said  
24 that to you because it was your age, not because**

1 me.

2 (WHEREUPON, the record was read  
3 by the reporter.)

4 BY THE WITNESS:

5 A. Yes.

6 Q. Okay. What was your understanding of the  
7 meaning of falsifying company documents?

8 A. To write something that, that was false  
9 or to, to say something that wasn't true about  
10 something.

11 MS. WEGNER: I'm looking for 27.

12 There it is, 27.

13 BY MS. WEGNER:

14 Q. All right. You earlier in the deposition  
15 were shown Exhibit Number 27.

16 A. Okay.

17 Q. Which was an employee report form of  
18 October 4, 2007 regarding the switching of labels on  
19 orders, for which you received a written warning,  
20 correct?

21 A. Yes.

22 Q. Okay. And you earlier testified that  
23 there was another employee working with you --

24 A. That's what I understand.

1 Q. Prior June of 2007, had you not been  
2 required to notify the foreman to verify and sign  
3 off on piece counts?

4 A. Normally we had to -- we had to start  
5 doing it by the piece count, only they didn't want  
6 it billed by the weight, they wanted it billed by  
7 the piece count, so we had to adhere to that.

8 Q. And so when do you recall the process  
9 changing, where --

10 A. Around --

11 Q. -- Copper and Brass required that you  
12 bill by piece rather than weight?

13 A. Must have been around this time, because  
14 I said in my statement that it was a new system, and  
15 I was getting used to it. So they probably just  
16 implemented it to be that way all the time.

17 Q. All right. What was your job  
18 classification at Copper and Brass Sales?

19 A. Order clerk.

20 Q. Was that your official job  
21 classification, pursuant to the collect bargaining  
22 agreement?

23 A. Warehouseman, I guess is what they  
24 basically called it. But if you break that down

1 further, it would be order clerk.

2 Q. To your knowledge, did Tyler DeMien have  
3 the same job classification of warehouseman?

4 A. Yes.

5 Q. And to your knowledge, did the other side  
6 loaders at Copper and Brass Sales, while you were  
7 apply -- while you were employed there, have the  
8 same job classification as warehousemen?

9 A. Yes.

10 Q. During your employment with Copper and  
11 Brass Sales, you stated that there were other people  
12 who handled shipping and receiving duties, correct?

13 A. Yes.

14 Q. Did those other persons that handled  
15 shipping and receiving duties, to your knowledge,  
16 also have the classification of warehouseman?

17 A. Yes.

18 Q. During your employment at Copper and  
19 Brass Sales, were there ever -- was there ever a  
20 period of time where production errors were posted  
21 for everyone to see?

22 A. Yes. Early on at different times they  
23 had posted it, so we could be made aware of our  
24 mistakes. They didn't always specify names or, you

1 A. They could get a random, pretty close  
2 time to what it was.

3 Q. A random close time to what?

4 A. To what time it was done, or started.

5 Q. Well, let's take an example here. Let's  
6 look at item number 10. You have, in the column  
7 "Stop time," "10:02."

8 For item number 10, was that a stop time  
9 or a start time?

10 A. It's hard to tell at this point now.

11 Q. So somebody picking this sheet up cold,  
12 whether it was somebody on the next shift or some --  
13 or Mr. Lunt or Mr. DeMien, they could not be able to  
14 determine, by looking at your document, whether or  
15 not the time in the "Stop Time" column is a stop  
16 time or a start time?

17 A. These are not totally accurate times.

18 They're pretty close to the time. I mean they're --

19 Q. Sir, I'm not asking you whether or not  
20 they're accurate.

21 My question was, somebody picking this  
22 document up could not be able to ascertain whether  
23 or not the time in the "Stop Time" column is a start  
24 time or a stop time, correct?

1 A. Possibly. Probably.

2 Q. Well, what, what in this document, in

3 Exhibit 37, would clue somebody in, picking this

4 document up, like me or, for that matter,

5 Randy Lunt, that the times in this column are start

6 times, as you claim they were?

7 A. I can't remember if they were start times

8 or stop times in all of them. I tried to give a

9 pretty close time to it all the time. Sometimes

10 you're not at the thing where you can write it down.

11 Q. Do you recall, in answer to questions by

12 your counsel about the times in the column on that

13 document, you said those were start times?

14 A. I believe we tried to be accurate for

15 start times.

16 Q. Again, I'm not asking about accuracy.

17 Do you recall, in response to questions

18 by your counsel, you indicated that the times in the

19 "Stop Time" columns were start times?

20 A. I'm getting confused.

21 MS. WEGNER: I object. Asked and answered.

22 MR. LINDEN: Well, eventually it will be

23 answered. So far he hasn't answered it.

24 Why don't you read back my question, please.

1 (WHEREUPON, the record was read  
2 by the reporter.)

3 BY THE WITNESS:

4 A. I believe most of them were stop times.

5 BY MR. LINDEN:

6 Q. So hold on a second. So you -- now it's  
7 a different story. Most of the times in the stop  
8 time columns on the November 29th Exhibit 37,  
9 they're actually stop times?

10 A. Well, at the top of the page, you'll see  
11 that it stays "Start Time" and "Stop Time" --

12 Q. Mr. Wingo --

13 A. -- so I tried to be as accurate as I  
14 could.

15 Q. Are those stop times or start times?

16 A. I can't remember. I honestly can't  
17 remember. I thought they were mostly start times,  
18 but I think the last one was definitely a stop time,  
19 because the clock ran out.

20 Q. You would agree, Mr. Wingo, there's  
21 nothing in your document, based on your struggle to  
22 figure out what those times are indicative of, to  
23 indicate whether they were a start time or a stop  
24 time?